

**City of Somerville
Licensing Commission**

Regular Meeting by Remote Participation

**DRAFT OF THE
Minutes of the Regular Meeting
Monday, November 16, 2020
Posted Monday, January 25, 2021 at 4:55pm**

*The meeting was called to order at 6:00pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, Lt. MacLaughlan, a member of the Fire Dept., City Clerk, John Long, Members of the City Staff, Applicants and members of the public.
The meeting adjourned at 7:54pm*

A recording of this meeting is available online

NOTICE: This is NOT the official version of the Licensing Commission's Minutes. While reasonable efforts have been made to assure the accuracy of the data provided, do not rely on this information without first checking with the Secretary to the Licensing Commission.

**Monday
November 16, 2020
6:00pm
Published November 9, 2020, 2020, at 4:00pm
Published November 12, 2020 at 3:20pm
Published November 16, 2020 at 1:45pm**

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. C. 30A, s. 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, as well as Mayor Curtatone's Declaration of Emergency, dated March 15, 2020, this meeting of the Licensing Commission will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website.

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/6500519862226624524>.

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to libatzek@somervillema.gov. Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

COMMUNICATIONS

1. Minutes of October 19, 2020 Regular Meeting

The Commission Approved these minutes

1a. Notice from Governor Baker pertaining to Issued COVID-19 Order No. 53, dated November 2, 2020 and Mandatory Closing Period for Sale and Service of Alcohol Effective November 6, 2020

The Commission noted this communication and placed it on file

Continued from October 19, 2020
No appearance made for the above meeting

2. Highland Cuisine Inc. d/b/a Highland Cuisine, 2 Highland Ave., Mr. Stanley Falaise has been notified to appear before the commission to discuss the status of his All Forms Alcohol License.

Stanley Falaise appeared on this matter. Chairman Lynch acknowledged Mr. Falaise did appear at last month's meeting, however it was going on too long and he disconnected the call. He stated everything in Citizen Serve has been approved, and everything is all set, he is just waiting for the signoffs for the license to be issuance and the license meeting, and these are the only items currently pending. Chairman Lynch asked for a status update of the signoffs for this License. The secretary stated the Health Department signoff had a condition issued; that only Beer could be served. The Secretary stated she believed the commission would need to approve selling Beer only, as an All Forms License application was submitted and approved. Mr. Falaise stated the secretary told him he may need to reapply to serve cocktails and other liquors and he submitted a new menu as well as a floorplan to indicate where items would be placed in the kitchen to serve All Forms Alcohol. Chairman Lynch asked Mr. Falaise if he had a full functioning kitchen, he replied yes. He was also asked if he had a Common Victualler License, he replied yes. He was asked if he had functioning bathrooms, he replied yes. Chairman Lynch requested an update from the secretary. The secretary stated the health department approved this license with conditions. Beer only is served. Mr. Falaise stated as of 9/23/20, the secretary told him to just update and upload the documents of the cocktail menu, and the equipment description, and he stated that he has done that, and he believed that was all that was required. The secretary stated he did supply those documents; however the Health Department conditionally approved this license for Beer only. Chairman Lynch asked the secretary if we knew why that condition was made. The secretary stated she did not know why, and assumed the establishment did not have what is required for this license. She provided the comments made by Health Inspector Maureen Lee, sent in an email to Mr. Falaise:

Provide a floor plan showing the location of the bar. Include all equipment (Examples include, but not limited to: blenders, soda guns, ice machines, ice storage bins, refrigeration, dish machine and sinks, including a hand sink) Include the location for glassware storage. In addition, identify on the plan the location for back up liquor storage. Please be aware the basement is not approved for storage of any type.

Chairman Lynch asked Mr. Falaise if he was in receipt of this email, he replied yes, but there wouldn't be a bar, and the only equipment he has is a blender, ice machines, cocktail shaker and glassware, and that he provided everything with a format of where the kitchen and all the setups and everything would be as well. Chairman Lynch felt the commission had enough information on this matter, as this is just a status update. He stated the Health Department appears to want to confirm some things with him. Chairman Lynch instructed the secretary to facilitate a conversation between Maureen Lee in the Health Department and Mr. Falaise.

Common Victualler and
Entertainment by Devices License

3. Sinev LLC d/b/a Zaruma Gold Coffee
27 Woodbine St.
Vladislav Sinev

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

No one appeared for application. This item was continued until the January 2021 Meeting.

Existing License
All Forms Alcohol – City License
City Wide Area – Chap 142, Acts of 2016
Change of Hours

4. Eat at Jumbos d/b/a Sassafras, 688 Broadway requesting the approval of a Change of Hours from: Zero Hours (for Food and Alcohol Service) to Sun. – Sat. 10:00am – 11:00pm (for Food and Alcohol Service)
(ALM20-000166)

Mr. Grover Taylor appeared for this application. Chairman Lynch asked if Mr. Taylor was reverting back to his regular hours and if he was preparing to reopen. Mr. Taylor replied he is ready to open. Chairman Lynch stated Mr. Grover was trying to determine what he planned on doing with his restaurant. The Ball Sq. bridge was closed and business was impacted by this. Mr. Grover had attempted to change his menu and do some other things, and requested to close temporarily, but did not want to have to give up his license. The commission allowed Mr. Taylor to bring his hours to zero, which closes the establishment. He now wishes to establish his hours of operation. The secretary states that Indoor seating requires the submission of Covid 19 Control Plan & Hasp to Economic Development, and requires the signoffs of ISD. The secretary does not see these documents in Citizen Serve and recommends Mr. Taylor contact Sue Thomas in Economic Development to see what the status of his indoor seating is. Chairman Lynch instructed the secretary to contact Sue Thomas to see if the Covid requirements have been completed.

The Commission approved this Change in Hours

Existing License
Private License
All Forms Alcohol
Pledge of License

5. Demeter Hospitality, LLC d/b/a Daddy Jones, 525 Medford St. requesting the approval of a Pledge of License to Enterprise Bank and Trust Company, 76 Bedford St., Lexington, MA 02140
(ALM20-000167)

No one appeared for application. This item was continued until the January 2021 Meeting.

TRANSFER OF LICENSE

Private License

Transfer of an All Forms Alcohol 7 Day License,

Common Victualler License, Entertainment by Devices License and Sunday Hours License

6. RF O’Sullivan’s Saloon, LLC d/b/a RF O’Sullivan’s, 282 Beacon St. requesting the approval of a Transfer of an All Forms 7 Day Alcohol License, from Beacon St. Café Inc. d/b/a RF O’Sullivan’s, 282 Beacon St. and a Common Victualler, an Entertainment by Devices and a Sunday Hours License to RF O’Sullivan’s Saloon, LLC d/b/a RF O’Sullivan’s at 282 Beacon St.
(AL20-000018)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Attorney Michael Ford & Fred Starikov (represents the buyer) & Attorney Frisoli (represents the seller) appeared for this application. No proposed changes to the hours of operation, the menu or seating. The buyers also own The Tam, Sullivan Saloon, Beacon Hill Pub LLC and a variety of other businesses, and have extensive experience. The ownership is evenly divided 25 % between Dana Rosenblatt, Fred Starikov, Julius Sokol & Stephen Whalen. Mr. Starikov will manage this restaurant. Commissioner Allen asked if any of the other business that are owned, have had any violations. Mr. Starikov replied they have had hearings for a couple of tickets/write ups and all were handled. Attorney Ford stated there was 1 ABCC hearing and 2 licensing board hearings, which resulted in a filed or no violation. The ABCC results were

about interpretations of food products that would match up with the 3 Governor's Covid orders. The hearing was stopped in the middle, and the licensee was told they didn't need to provide any more information. A decision has not yet been made on this matter. Attorney Frisoli spoke in favor of this transfer. He wanted to note that there was a pre covid and covid seating plan submitted with this application. Chairman Lynch asked the secretary if she was awaiting any documentation. The secretary stated she was waiting for some documentation, but would send the application into the ABCC, and await their determination, for anything else required.

The Commission approved this All Forms Alcohol Transfer, Common Victualler, Entertainment by Devices and Sunday Hours License

TRANSFER OF LICENSE

Private License

Transfer of a Wine & Malt Package Store License

And Change of Location

7. Jai Gitanjali, LLC d/b/a Get N Go, 152 Highland Ave. requesting the approval of a Transfer of a Wine & Malt Package Store License from La Internacional Food Corp. at 318 Somerville Ave. to Jai Gitanjali, LLC d/b/a Get N Go at 152 Highland Ave.
(AL20-000022)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

Per request of Attorney Upton, placing this on the January 2021 Agenda. Requires abutters notice.

2021 License Renewals

8. 2021 License Renewals
Requesting Approval for all 2021 License renewals

All 2021 Licenses were approved by the commission

LATE ITEMS

NEW Applications

TEMPORARY OUTDOOR PATIO SEATING DUE TO GOVERNOR BAKER'S ORDER

Requesting

An Alteration of Premises For TEMPORARY Outdoor Patio Seating

9.

FOR NEXT LC MEETING															
LICENSE #	BUSINESS NAME	ADDRESS	STATUS	APP. TYPE	COMPLETE	CURRENT/NEW	PUBLIC/PRIVATE	TENT	HASP	FLOOR PLAN	CONTROL ENG.	SPCD	FIRE	INSURED	
ALM20-000169	Modelo Butcher Market Inc.	501 Medford St.	NEW	NEW TEMPORARY	NO	NEW	PUBLIC	?	YES	YES	YES				

This application is not complete.

Sue Thomas of Economic Development indicates this should be completed by the end of the week.

The Commission provisionally approved this Temporary Outdoor Seating license, pending all required department signoffs and completion of the application and documents.

COMMUNICATIONS

10. Economic Development is requesting the Licensing Commission to conditionally approve outdoor seating licensees wishing to operate past January 11, 2021 on a case by case basis contingent upon DPW, Fire, Engineering and OSPCD review. For all other licenses, we are requesting to resume outdoor seating starting March 1st, 2021.

Sue Thomas appeared on this matter. Economic Development has received feed back from Licensee's requesting a continuation of parklet seating for the full year with an early start. Sue states all departments have been working together on this situation. Safety measures have been addressed for emergency response situations. A Winter Certification Plan has been instituted and must be submitted prior to extending outdoor seating past January 11, 202, as well as all required department signoffs. Economic Development is requesting all other outdoor seating have a start date of March 1, 2021 instead of April 1, 2021. Sue also states that Economic Development is working with licensee's for Outdoor Seating year round and that they are trying to help the licensee's with funding (this is an investment of upwards of \$35,000). This would not be a short term investment, which is why Economic Development is requesting year round outdoor seating. 15 of 21 responses indicated an interest in operating past January. Sue states compliance of the guidelines is crucial and if licensees are not in compliance, Economic Development requests the Licensing Commission to either fine the establishment or revoke the Outdoor Seating License for the entire year, as part of the process. Lt. MacLaughlan's has a concern about snow and an emergency situation, and the hampering of fire department apparatus. He also questioned the load bearing weight for any structures that have overhead protective coverings and snow accumulation. Sue stated 85 Licensee's were sent a survey by economic development pertaining to the extension of Outdoor Seating dates.

Chairman Lynch questioned why some departments are not included in the approval process. Sue Thomas stated she sent an email to the Commission and the City Clerk's office, and she forgot to include ISD. The approval process will be done through the Licensing Commission as Outdoor Seating has been done throughout the beginning. Sue states this is a blanket request for all licensee's, during this unprecedented time, and not just for the 15 licensee's who have responded. Commissioner Lindgren asked if the 15 responses received were primarily from Davis Sq. Sue replied mostly from Davis Sq. and Union Sq. A lengthy discussion followed about heater storage, the winter certification plan and snow emergency procedures. Sue Thomas states a due date for these applications of December 11, 2020. Sue also stated this would go through the City Clerk's office as an amendment, with the same routing reviewers already in place and adding DPW. Chairman Lynch requests ISD be included in the routing process, and stated Engineering needs to know and sign off on this due to ADA requirements. Chairman Lynch asked Sue Thomas if her understanding with the DPW is that 4 hours' notice to licensee's, in the event of a snow emergency, and the removal of furniture and heaters, is sufficient notice for licensee's to safely remove items from the public way. Sue Thomas confirmed this statement. Chairman Lynch asked if this would include public sidewalk seating. Sue stated she did not anticipate that, and this would only be for parklet seating only. Perhaps next year, they would put parklet seating on the public sidewalk and allow pedestrians to walk in the street with protective barriers.

Further discussion followed about the approval process and snow emergency requirements and furniture/heater removal.

Chairman Lynch made the following Motions:

MOTION: I move to extend the use of the public streets but not public sidewalks for holders of Outdoor seating licenses issued by this Licensing Commission from January 11, 2021 through March 31, 2021 for those licensees who have received written notice from the City Clerk's Office that they may operate pursuant to their HASP with the Winter Ready Certification. All other conditions, including the city's COVID-19 Outdoor Dining Guidelines, shall apply unless otherwise modified by the Governor or State or City legislation. Licensed use of the public way shall be discontinued upon notice by the Licensing Commission, Director of Inspectional Services, Commissioner of Public Works, Chief Fire Engineer, or City Engineer that the outdoor seating and all related equipment must be removed so the public way can be accessed for a public purpose, including, but not limited to, snow removal, street repair, and underground utility work.

The Commission approved the above motion

Mr. Sean Olson spoke pertaining to Midici at 463 Assembly Row for outdoor seating on public property. Sue states she needs to review this application and the Igloos proposed (3). She has a question on the total seating and requires additional documentation. Mr. Olson states there are 6 seats per Igloos. Mr. Olson has a question to how many total seats are allowed. Chairman Lynch states that is not in the commission's purview and requests Sue to help him on this matter.

Secretary's Note:

After review of the video and minutes taken of this Licensing Commission Meeting, this motion may not have been voted on and may need to appear and be approved, for the February, 2020 Licensing Commission Meeting

MOTION: I move to allow the use of private property and the public ways for all holders of Outdoor Seating Licenses issued by this Licensing Commission from March 1, 2021 through March 31, 2021, notwithstanding the provisions of Licensing Commission Regulation 1.18h, through December 31, 2021. All other conditions apply, unless otherwise modified by the Governor or State or City legislation. Licensed use of the public way shall be discontinued upon notice by the Licensing Commission, Director of Inspectional Services, Commissioner of Public Works, Chief Fire Engineer, or City Engineer that the outdoor seating and all related equipment must be removed so the public way can be accessed for a public purpose, including, but not limited to, snow removal, street repair, and underground utility work.